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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,486	09/25/2000	Andrew D. Flockhart	4366-20	3085
48500	7590	04/26/2005	EXAMINER	
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202				ALVAREZ, RAQUEL
ART UNIT		PAPER NUMBER		
3622				

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/669,486	FLOCKHART ET AL.	
	Examiner	Art Unit	
	Raquel Alvarez	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 44,45 and 47-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 44,45, 47-84 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 1/27/2005.
2. Claims 44-45, 47-84 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 44-45, 47-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky et al (597,685 Miloslavsky hereinafter) in view of Walker (6,088,444 Walker hereinafter).

Miloslavsky teaches a method for routing contacts in a contact center (Abstract). Evaluating a collection of one or more items the collection being associated with a contact of the customer and routing a contact of the customer to at least one working agent and queue based on priority queuing (col. 10, lines 25-55, col. 16, lines 20-21, lines 31-36, col. 31 , lines 15-25,col. 36, lines 35-50, col. 38, lines 20-35), the collection is an order, such as a shopping cart (col. 12, lines 2-15), providing the customer with at least one web page that describes the item and the routing step follows a step of clicking on the icon (col. 12, line 45 - col. 13, line 4), comparing the item with predetermined information, such as a list of items. to determine the destination of the outing step (col. 16, lines 30-40, col. 36, lines 40-45, col. 38, lines 20-35),, routing step considers at least the identity of the customer (col. 15, lines 50-67).

Miloslavsky teaches a method for routing contacts comprising: creating an electronic order associated with the current contact of a customer (col. 10, lines 45-55),, adding at least one item to the electronic order (col. 12, lines 1-10), receiving a request from the customer for the contact to be serviced (col. 12, lines 44-63),, evaluating the at least one item in the order to identify at least one of an identity of the at least one item (col. 16, lines 30-40, col. 19, lines 40-45, col. 31, lines 20-25, col. 36, lines 40-45, c.01. 38, lines 20-35), selecting at least one resource and a queue to receive the contact based at least in pad on the identity of the item (col. 16, lines 20-21, lines 31-36, col. 19, lines 40-45, lines 40-45, col. 38, lines 20-30).

Walker teaches a method and corresponding system comprising: evaluating a collection of one or more items of a customer to identify a value of at least one item in the collection, the collection being associated with a contact of the customer (col. 3, lines 45-50, col. 5, lines 54-60), and routing the contact of the customer to at least one of a working agent and queue in the contact center based at least in pad of the value (col. 3, lines 45-67, col. 6, lines 30-35). Walker also teaches the routing step considers at least one of an identity of the customer, the historical business relationship with the customer (col. 3, line 64 - col. 4, line 8),, the plurality of items having a separate value and the value of the at least one item is the total of the separate values (figs 4B, 4C); the priority of the contact is directly dependent upon the value of the at least one item (col. 6, lines 10-35).

Walker also teaches creating an order associated with a current contact of a customer (figs. 4A-4C); adding at least one item to the order (figs. 4A-4C); evaluating

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the at least one item in the order to identify at least one of an identity of the item and a sales price of the item (col. 4, line 65 - col. 5, line 10) selecting at least one of a resource and a queue in the contact center to receive the contact based at least in part on at least one of an identity of the item and a sales price of the item (01. 3, lines 45-67, 01. 6, lines 9-40). It would have been obvious to one having ordinary skill in the art at the time of the invention to include the value of the order and routing based at least in part on the value of the order as in Walker in the method and system of Miloslavsky since evaluating and routing based on the value of the order would have prevented dissatisfaction of the high business value customer as suggested in Walker (col. 1, lines 30-35) and since Miloslavsky suggests preemptive priority for valued customers (col. 31, lines 19-21).

Miloslavsky substantially teaches the invention but does not specifically show use of an applet. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used an applet for accessing and computing the order since this is well known in the art for on-line customer orders. It also would have been obvious to have compared the value to a predetermined value to determine the destination step since a threshold would be necessary in order to determine who qualifies as a "valued" customer where the value is at least determined by the amount of sales. It also would have been obvious to have evaluated the value and nature of item in a shopping cart since this would have been adopted for the intended use of determining which product the customer is about to order (col. 12, lines 9-15).

Response to Arguments

4. The Examiner is withdrawing the restriction requirements for claims 71-84 because the feature was already addressed in dependent claims 46, 50, 60 and 64.
5. Applicant argues that Walker doesn't teach using an icon in a web page to initiate a request for a customer assistance coupled with product order analysis. The Examiner wants to point out that Walker wasn't cited for teaching using an icon in a web page to initiate a request for a customer assistance coupled with product order analysis but in the other hand, Miloslavsky was the reference cited for teaching *In the present invention, the web page originated from server 1132 contains an icon, such as a button 1118, positioned at a convenient location of the web page. This icon is displayed by browser 1116. When the user wishes to initiate telephone communication with service assistance center 140, he/she can click on (i.e., select) button 118. There is no need for the user to look up the telephone number of service assistance center 1140. One way for browser 1116 to display a clickable button 1118 is by embedding (at the appropriate place in the associated HTML document)* (in Miloslavsky, col. 12, lines 44-64). The users in Miloslavsky connect to the web page through one channel and then make another connection to the service assistance center by clicking on the icon, a user initiates a telephone communication with the service center.
6. Applicant argues that Miloslavsky doesn't teach the evaluation of one or more

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items selected by the customer for purchase to identify value or type of at least one item in the collection and routing a different contact with the customer on a different channel to at least one working agent. The Examiner respectfully disagree with Applicant because Miloslavsky teaches that the items selected by the customer are evaluated to identify the support person that has expertise with that particular product or item selected by the customer.

7. Applicant argues that the product support expertise of Miloslavsky is used to route but not to help requiring outgoing contacts. The Examiner respectfully disagree with Applicant because in Miloslavsky, col. 12, lines 9-20 and col. 16, lines 38-41, it teaches that the when the customer is about to place an order on an item or product, the user may request the attention of a service agent in service center 1140. The calls are **routed to the support person based on the product expertise of the support person** (col. 38, lines 20-35).

8. With respect to the official notice taken by the Examiner that downloading the evaluator, an applet onto the customer's computer is old and well known in order to ease the evaluation process. In addition applets are small niche application or utility, such as mortgage calculator program, that performs just one useful task and are designed for use within larger programs. Because of their small size, many applets are available as free software Online. Applicant asserts that Walker nor Miloslavsky teach downloading the evaluator into the customer's computer , but this is not relevant to the use of Official Notice. While applicant may challenge the examiner's use of Official Notice, applicant needs to provide a proper challenge that would at least cast

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reasonable doubt on the fact taken notice of. See MPEP 2144.03 where *In re Boon* is mentioned. Since, Miloslavsky teaches that the items/products selected are sent to the agent's computer so that they can be evaluated in order to determine the type and/or values of the items selected (col. 12, lines 64 to col. 13, lines 16) then it would have been obvious to have included the well known use of applet to download the evaluator onto the user's computer to obtain the above mentioned advantage.

9. Applicant argues that Miloslavsky teaches away from using the identity of item or values as a basis for selecting a resource to service the contact. The Examiner wants to point out that Miloslavsky doesn't teach away from it but rather clearly teaches using the identity of the item to **select a product expertise support person** (col. 38, lines 20-35 and #7 response to argument above).

10. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references clearly pertain to routing telephone calls based on certain items selected by the customer.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of contact

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
4/21/05